IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.967 OF 2003
IN
INCOME TAX APPEAL (L) NO.236 OF 2003

The Commissioner of Income Tax
Mumbai City VI .. Appellant.
V/s.
M/s.Haffkine Ajintha .. Respondent.

Mr.A.D. Kango for the appellant.
Mr.Atul K. Jasani for the respondent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 18TH JULY, 2006.

P.C. :

This matter was on our board on 5th Ferbaury, 2004 when two weeks time was granted for filing better affifavit. Again on 26th February, 2004, three weeks time was granted to the revenue to file better affidavit as this Court was not satisfied with the explanation furnished. Inspite of lapse of more than two years no better affidavit has been filed.

2. In this view of the matter, the material which is already on record does not justify condonation of delay.

3. The notice of motion is, therefore, dismissed with no order as to costs.

4. In view of dismissal of the notice of motion, the appeal papers be consigned to record.

(V.C. DAGA, J.)

(J.P. DEVADHAR, J.)